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C O N F I D E N T I A L KINSHASA 001782

SIPDIS

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TAGS: [PGOV](#) [CG](#) [RW](#) [ICTR](#)

SUBJECT: CRY OF ALARM--MISSING ICTR INVESTIGATIONS

Classified By: Polcouns Melissa Sanderson for Reasons 1.5 B and D

1. (SBU) Summary: Embassy Kinshasa previously has expressed its concern that ICTR's management is sometimes counterproductive and reduces its efficiency. Recently, personnel changes have reinforced our concerns. The Security Council anticipates ending investigations by the end of 2004, but we fear that effectively the mandate already has been relinquished. End Summary.

BACKGROUND

2. (SBU) As recently as June 29, the Chief Prosecutor of the ICTR reported to the UN Security Council that "most of the indicted Rwanda genocidaires still at large are most probably in the Democratic Republic of the Congo and that all the efforts being made to apprehend them and transfer them to the Tribunal have not borne much success." In our view, part of the blame for this failure rests with the ICTR, which has failed to provide resources or obfuscated efforts to address the problem.

3. (SBU) In November 2003 Ambassador Pierre Prosper and Kinshasa Rewards for Justice Coordinator traveled to Arusha for discussions with the Tribunal and Kigali with Chief of Investigations, Richard Renaud. At that time Prosecutor Jallow and Mr. Renaud were urged to travel to Kinshasa to meet with DRC officials and with MONUC to work out procedures and arrangements necessary to bring those indicted by the Tribunal to justice. Neither Prosecutor Jallow, nor any of the ICTR principals have made the effort to travel to Kinshasa to address issues with the government or MONUC.

4. (SBU) Beginning in May 2003 Embassy Kinshasa has requested investigative support from the ICTR to track genocidaires located in the Democratic Republic of Congo and Republic of Congo. These are targets who have been uncovered by tips to the Rewards for Justice Program. The Chief of Investigations, Richard Renaud, has only begrudgingly made investigators from the Tracking Team available when pressured by Embassy Kinshasa or S/WCI. The governments of the DRC and the ROC have arrested five indicted genocidaires with investigative assistance from ICTR Tracking Team investigators Moussa Sanogo and Michael Penda. Many more potentially could have been brought to justice by a more proactive ICTR.

5. (SBU) The UN Security Council has established an exit strategy for the ICTR which envisions all investigations and arrests completed by the end of 2004. Recent personnel changes suggest that ICTR may already have closed this part of its mandate. Investigator Moussa Sanogo, the most senior and experienced of the Tracking team investigators has been reassigned to provide investigative services for the ongoing military trials in Arusha. Investigator Sanogo has developed multiple resources and contacts in Congo-Brazzaville and in the DRC over the more than two years he has investigated in the area and was involved in all five successful cases.

COMMENT

6. (C) Embassy Kinshasa has observed that the Chief of Investigations is uncomfortable working with and does not seem to trust his African subordinates, and it is alleged that he had attempted to replace them with non-Africans of his acquaintance. Mr. Renaud has also been accused of preventing or interfering with investigations that would lead to the capture of the remaining worst genocidaires. Although the government of DRC has requested for two years that the ICTR have an ongoing presence in the DRC and although the Prosecutor points out that the largest number of remaining genocidaires at large are in the DRC, Renaud is disassembling the tracking team, effectively preventing further investigations in the time remaining.

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